

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

UNITED STATES OF AMERICA,

Plaintiff,

:

Case No. 3:98-cr-081
Also 3:10-cv-153

-vs-

District Judge Walter Herbert Rice
Magistrate Judge Michael R. Merz

:

KEITH W. DEWITT,

Defendant.

ORDER STAYING PROCEEDINGS PENDING APPEAL

This case is before the Court on Defendant's Amended Motion to Vacate pursuant to 28 U.S.C. § 2255 (Doc. No. 429). Upon initial review under Rule 4 of the Rules Governing § 2255 Motions, the Magistrate Judge noted that Defendant has a currently pending direct appeal in the United States Court of Appeals for the Sixth Circuit, that court's Case No. 09-3645, and ordered Defendant to show cause by May 10, 2010, why this § 2255 matter should not be stayed pending the outcome of the direct appeal. Defendant has made no filing in response.

It is accordingly ORDERED that this matter be stayed and held in abeyance pending the completion of the direct appeal. Counsel shall keep this Court currently informed of the status of the appeal.

This Order does not toll the objection period on the currently pending Report and Recommendations (Doc. No. 431).

May 11, 2010.

s/ **Michael R. Merz**
United States Magistrate Judge